

SEP - 8 2008

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

**ROBERT M. DAVIS and  
GLEND A. DAVIS**

: CIVIL ACTION NO. 2:06-cv-2120

**VERSUS**

: JUDGE MINALDI

**USAA CASUALTY INSURANCE  
COMPANY, USAA GENERAL  
INDEMNITY COMPANY, and  
UNITED SERVICES AUTOMOBILE  
ASSOCIATION**

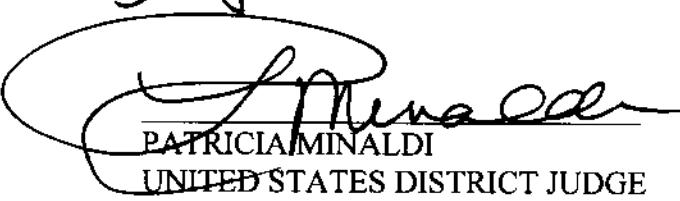
: MAGISTRATE JUDGE METHVIN

**JUDGMENT**

Before the Court is defendant USAA Casualty Insurance Company's (hereinafter "USAA Casualty") Motion for Summary Judgment [doc. 33]. For the reasons stated in the accompanying Memorandum Ruling,

IT IS ORDERED that USAA Casualty's Motion For Summary Judgment [doc. 33] is hereby GRANTED in part and DENIED in part. The Motion is GRANTED insofar as any recovery of penalties under La. Rev. Stat. Ann. § 22:658 is limited to twenty-five percent of the amount found to be due under the policy, and an award of attorney fees is not available. This Motion is DENIED insofar as this Court declines to dismiss the plaintiffs' claims under La. Rev. Stat. Ann. §§ 22:658 and 22:1220.

Lake Charles, Louisiana, this 5 day of September, 2008.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE